



|              |                             |
|--------------|-----------------------------|
| DATE:        | March 29, 2016              |
| APPROVED BY: | David J. Radachy, Secretary |

## **MINUTES OF THE LAKE COUNTY PLANNING COMMISSION**

**February 23, 2016**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Morse called the meeting to order at 5:30 p.m.

### **ROLL CALL**

Mr. Radachy took a roll call attendance and the following members were present: Messrs. Brotzman, Graham (Alt. for Adams), Morse, Schaedlich, Siegel, Walker (Alt. for Malecek), and Mmes. Hausch and Pesec (Alt. for Moran). Legal Counsel present was Assistant Prosecutor Gianine Germano. Planning and Community Development Staff present were Ms. Jordan, Mr. Radachy, and Ms. Truesdell.

### **MINUTES**

Mr. Siegel moved and Mr. Brotzman seconded the motion to approve the January 2016 minutes.

Six voted "Aye".  
Two Abstained.

### **FINANCIAL REPORT**

Mr. Radachy said the Commissioners approved the final budget for 2016. Mr. Schaedlich moved and Ms. Hausch seconded the motion to accept the January 2016 Financial Report as submitted.

All voted "Aye".

### **PUBLIC COMMENT**

There was not comment from the public.

### **LEGAL REPORT**

Ms. Germano said there was no legal report.

## DIRECTOR'S REPORT

Mr. Radachy reported on the following:

- The Plan4Health kick-off meeting is tomorrow. There will be a training for Ms. Jordan and Mr. Radachy on April 25<sup>th</sup> through April 27<sup>th</sup> in New Orleans for the 2016 Sub-recipient Technical Assistance Workshop.
- The Retail Trade Study has selected a contractor for the study. They are currently reviewing the contract.
- The Planning and Zoning workshop is June 10<sup>th</sup> in Concord Township.
- Mr. Radachy will be participating in a committee to draft the Lost Nation Airport Comprehensive Plan. This will be an eighteen month process. He recalled that Mr. Adams had done something similar for the Cuyahoga County Airport several years ago.
- Ms. Jordan gave a presentation at Laketrans on the functions of the office of Planning and Community Development, Planning Commission, and the range of services we offer. She gave an update of the Retail Trade Study.

## ANNOUNCEMENTS

There were no announcements.

## SUBDIVISION REVIEW

### Painesville Township – The Villas at Lake Erie Shores, LLC, Final Plat & Improvement Plans, 30 Lots

Ms. Jordan said that The Villas at Lake Erie Shores is located in Painesville Township, north of Lake Road on 6.29 acres with 30 sublots. The Engineer is Barrington Consulting Group, Inc. She said that Final Plat Stipulations 3, 4, and 5 were notable. The zoning is FPUD. There are 66 acres proposed for all phases. It is adjacent to the Villa Grande Subdivision.

### **FINAL PLAT STIPULATIONS**

1. All subdivision final plats shall be referenced to Ohio State Plane Coordinates, 1983 Horizontal NAD, and 1988 NAVD for vertical control. A minimum of two (2) points shall be tied to OSPC.  
*Article III, Section 6(C)(5)*
  - a. Add State Plane Coordinates. *Lake County Engineer*
2. The location of the Subdivision by permanent parcel number shall be included on the Final Plat cover sheet. *Article III, Section 6(D)(a)*
  - a. Add the parent parcel number, 11B-43-18, so it is known which parcel the proposed Subdivision came out of. *Lake County Engineer*

3. The proposed Final Plat cover sheet shall contain Local Service Drainage Easement language. *Article III, Section 6(D)(1)(e)*
4. Stormwater Easements must be replaced with Local Service Drainage Easements on the Plat. *Article III, Section 6(D)(3)(k)*
5. All existing easements and environmental covenants shall be clearly indicated and record numbers shall be provided. *Article III, Section 6(D)(3)(m)*.
6. Lake County Commissioners are not required sign the plat. Remove their signatures. *Lake County Planning & Community Development*
7. David Radachy is the Secretary of the Lake County Planning Commission and Director of Lake County Planning and Community Development. Only the Secretary needs to be on the Plat. Remove the term Director. *Lake County Planning & Community Development*
8. The easement relevant to Cleveland Electric Illuminating Company facilities is described as a 72-foot wide utility and access easement in the dedication language. It is represented as a 15' utility easement in the approvals section. *The Illuminating Company*

#### **FINAL PLAT COMMENTS**

1. There are 10-foot wide areas shown along the edges of the 72-foot wide utility and access easement that are not identified. These areas also appear on the roadway plan and profile sheets, and for the most appear to be where water line and sanitary facilities are proposed. *The Illuminating Company*
2. Sanitary and water are not identified on the "dedication" plat. *The Illuminating Company*
3. Easements should be more clearly marked and more distinguishable from each other. *Lake County Planning & Community Development*

#### **IMPROVEMENT PLAN STIPULATIONS**

1. Until plans for the Subdivision are approved, properly endorsed and recorded, no improvements, such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Article I, Sec 4(B)*
2. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. *Article IV, Section 3(E); Article IV, Section 3(F); Article V, Section 4(A); Article V, Section 4(B); Article V, Section 4(C)*
3. Improvement Plans are subject to detailed review prior to final approval. Preliminary review of the Improvement Plans only show minor issues. *Lake County Sanitary Engineer*

## IMPROVEMENT PLAN COMMENTS

1. Explore the possible installation of a guardrail to protect residents from the pond being located close to roadway, although since it is a private roadway it is not required. *Lake County Engineer*

Ms. Jordan presented images of the Final Plat. She said the environmental covenant should be clearly indicated on the plat on the northwestern boundary of the property. Staff's recommendation was to approve the Final Plat and Improvement Plans.

Mr. Siegel moved and Mr. Graham seconded the motion to approve Final Plat & Improvement Plans for The Villas at Lake Erie Shores LLC in Painesville Township with 30 Lots.

Ms. Pesec asked if Ms. Jordan saw any stipulations that were notable. She asked where the open space is.

Ms. Jordan said all stipulations seemed to be minor. She pointed out the location of the open space.

Mr. Novak of Barrington Consulting Group LLC said he did not see any problem with the stipulations. They were very minor.

Mr. Morse asked for a vote.

All voted "Aye".

## Subdivision Activity Report

Mr. Radachy said The Estates of Kallay Farms will be submitted next month. Orchard Springs Phase 2 is going through the final review process.

## LAND USE AND ZONING REVIEW

### Leroy Township – Zoning District Amendment from B-2, Special Interchange to I, Industrial and Manufacturing

Ms. Jordan stated that this case involves 21.00 acres of land along Vrooman Road, across from Allega and south of the I-90 Interchange. The request was made by John Kusar, the owner of the property. The property and the land to the north is currently zoned B-2, Special Interchange. The land to the south is zoned B-1, Business and Commercial and R-2, Residential. The land to the east is zoned Industrial and the land to the west is R-2 and Interstate 90.

Currently, the site is vacant. The land to the north includes an abandoned structure that formerly operated as a restaurant. The land to the south is residential, including one property that is a non-conforming residential property with an accessory office. The land to the east is being utilized for concrete crushing and an ODOT garage.

The 2005 Comprehensive Plan recommended that the area remain commercial as Business Interchange. The Plan also states: "Establish a commercial district oriented in a cluster at the I-90/Vrooman Road exit". LU-4 states: "Limited industrial development is needed

to diversify the tax base of Leroy Township, but must be located and sited in a manner that protects the character and tranquility of rural residential and agricultural areas.”

Ms. Jordan said that if the Township would still like to encourage retail, office, or restaurant development on this parcel, due to its visibility from and close proximity to I-90, changing the zoning of this parcel would not be in the best interest of this community. Staff also stated that from I-90 there is a clear view of this parcel. Staff recommended to disapprove the proposed district change from B-2 to I Industrial.

The Committee discussed how the adjacent property owned by Allega Construction is creating a discord in the community. The neighboring property owners are displeased with the operation. The proposed use by the property owner of the subject parcel is similar to that use. This use may increase truck traffic, which may become a nuisance. The Committee also discussed that this is the gateway to the community and they should have some quality development located there. Industrial uses may take up valuable interchange area.

Mr. Brotzman asked if the owner wanted to put a cement plant on the site.

Ms. Jordan said, yes, they do.

Mr. Zondag asked about how long Allega had been in that location.

Mr. Radachy said the land that Allega is on was zoned industrial in 1999.

Mr. Schaedlich moved to accept the recommendation of the Land Use and Zoning Committee and recommend to disapprove the district change. Mr. Siegel seconded the motion.

Mr. Zondag said that zoning this property Industrial would stop any development at the Route 90 interchange.

Mr. Morse asked for a vote.

All voted “Aye”.

#### Painesville Township – Zoning District Amendment from B-1, General Retail to R-1, Single Family Dwellings

Ms. Jordan said that the district amendment involves 0.857 of an acre of land at 1251 Madison Avenue in Painesville Township. It was requested by Steven Jevnikar. The applicant would like to down-zone the parcel from B-2 General Retail to R-1 Single Family Dwelling. It is located on the corner of Madison Avenue and Bowhall Road. This parcel, and the two parcels adjacent to it, were at one time one parcel owned by Sidco. The property was split into three pieces, one being this lot, one being the lot to the north containing a commercial building and the one to the east being vacant.

The land is currently zoned B-2, as are the adjacent properties to the north and east. The land across Bowhall Road to the west is also zoned B-2. The land across Madison Avenue to the south is zoned R-1. It was zoned B-2 from 1979 to 2001, but was never developed. It was rezoned to R-1 in 2001 and developed as three single-family homes.

Formerly used as an office, but vacant for many years, the land behind the property is being used as a commercial property, but the legal standing of the uses are in question because they never obtained proper permits. Some of the uses that exist may not be to code. The land to the east is vacant, the land to the west is a house with a home occupation. The land to the south is being used as single-family residential.

Ms. Jordan said that the Comprehensive Plan map indicates that the desired land use at the time the Plan was written was Commercial – Suburban General. The most recent Painesville Township Comprehensive Plan is from 2007 (an update is currently in progress). As the community's vision for its land use may have changed in the last decade, recommendations should not be solely based on the objectives of the Comprehensive Plan. Land across the street, to the south of the subject parcel, was rezoned to R-1 Single Family Residential in 2001 and the Comprehensive Plan Proposed Land Use Map shows these parcels as a commercial-suburban neighborhood. The Comprehensive Plan Proposed Land Use Map shows the parcel to the west of the subject parcel as Commercial-Suburban General and the current use of this parcel is residential with a home occupation.

The uses permitted by the proposed change would be appropriate in the area concerned, as the area is primarily residential. Staff also stated that if the entire parcel is rezoned residential, a 50-foot buffer would take effect if any commercial development were to occur on the adjacent parcel to the east.

Staff recommended to rezone the majority of subject parcel to R-1, but leave the portion adjacent to the vacant parcel to the east as B-2 to accommodate potential future development that may be affected by buffers.

The Land Use and Zoning Committee thought that there might be a deed restriction requiring that the property be used as residential. The property owner has not submitted this document to the Township.

Mr. Siegel asked if he was going to use the building as a house or demolish it.

Ms. Jordan said the owner has already started making improvements to the house.

Mr. Brotzman asked if there was any comment from adjoining property owners.

Ms. Jordan said that Painesville Township was to have notified them and she knew of no comments.

Ms. Pesec asked about the value of the adjacent property.

Ms. Jordan said because the property to the east is currently zoned commercial and is vacant, if this was rezoned to R-1, there would be a 50-foot buffer instituted on the vacant property zoned commercial.

Mr. Zondag asked what the rezoning would do to the property to the north.

Ms. Pesec asked why the Land Use and Zoning Committee vote was split 5 to 3.

Ms. Jordan said the buffer inhibits ability to develop the adjacent vacant property. Those who were in favor wanted Painesville Township to phase out the commercial uses in that area. Those who were not in favor did not want to infringe upon the property with the buffer.

Mr. Graham moved and Mr. Schaedlich seconded the motion to accept the recommendation of the Land Use and Zoning Committee to rezone 1251 Madison Avenue in Painesville Township from B-1, General Retail, to R-1, Single Family Dwellings.

All voted "Aye".

#### REPORTS OF SPECIAL COMMITTEES

There were no special committee meetings.

#### CORRESPONDENCE

There was no correspondence.

#### OLD BUSINESS

There was no old business.

#### NEW BUSINESS

##### New Staff Member, Robert Dawson

Mr. Radachy said that Job and Family Services must adhere to the Workforce Innovation and Opportunity Act, which was adopted in 2014. There are three parts to the operation of One Stop Training: administration, operation and fiscal responsibility. All three can no longer be administered by one governmental agency, i.e. Job and Family Services. The new model the Commissioners decided to follow is to allow Job and Family Services to retain fiscal and operational responsibility and for the Commissioners to take the administrative responsibility by moving the Workforce Development Board and the Executive Director, Robert Dawson, from JFS to the Board of Commissioners. Since Planning and Community Development is a division of the Commissioners' office, it was decided that the Workforce Development Board will be added to our department because it has similar functions. Mr. Dawson will continue to be housed at JFS, but his payroll will be processed through our department.

Because Mr. Dawson's job is part of the operations of JFS, we are renting space from JFS to house him. This model is being held up by the federal government as a model way of adhering to the federal law. Our financial report will reflect his employment.

##### Meeting Date Change for April

Mr. Radachy said that since he and Ms. Jordan will be in New Orleans on April 25<sup>th</sup> through 27<sup>th</sup> for the 2016 Sub-recipients Technical Assistance Workshop for the Plan4Health grant, the date of the April Planning Commission meeting will have to be changed.

After discussion, it was decided that the April Planning Commission meeting will be moved from April 26 to May 3, 2016.

Mr. Siegel moved and Ms. Hausch seconded the motion to move the Planning Commission meeting from April 26 to May 3, 2016.

All voted "Aye".

#### PUBLIC COMMENT

There were no comments from the public.

#### ADJOURNMENT

Ms. Pesec moved and Ms. Hausch seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 6:08 p.m.